

Senator Miller moved to table the resolution.

Carried by the following vote:

Yeas—14.

Davidson.	Miller.
Goss.	Morriss.
Grinnan.	Odell.
James.	Sebastian.
Johnson.	Stafford.
Lloyd.	Turney.
McGee.	Wayland.

Nays—10.

Atlee.	Linn.
Burns.	Neal.
Gough.	Patterson.
Greer.	Ross.
Kerr.	Stone.

Absent.

Dibrell.	Terrell.
Hanger.	Yantis.
Lewis.	Yett.

Absent—Excused.

Potter.

Action was then on Senator Davidson's amendment, to wit:

"Amend line 31, page 5, by adding—'Providing that this act shall be in force and take effect from and after the first day of January, A. D. Nineteen Hundred.'"

By Senator Atlee:

"Amend the amendment as follows: Strike out '1st' and insert '31st.'"

Adopted.

The amendment as amended was then adopted.

By Senator Greer:

"Amend by adding to Section 1, the following: 'Provided, that this act shall be construed to apply to all pools, trusts, agreements, combinations, confederations or understandings, whether made in or out of Texas, if to be executed, performed or applied in whole or in part in Texas; but it is not to be construed as to apply to such above contracts, agreements and understandings made elsewhere and to be executed and performed wholly outside of Texas and with respect to commodities and property situated without this State.'"

By Senator Turney:

Substitute the amendment as follows:

"Amend by adding to Section 1, the following: 'Provided, the provisions of this act shall not effect any agreement concerning insurance nor insurance rates made beyond the limits of this State, and which are intended to effect and operate upon insurance rates and property outside of this State and which was not made concerning nor for the purpose of

affecting, controlling or operating upon any insurance nor insurance rate in this State, nor which could in fact affect nor be construed as affecting nor in anywise operating upon any insurance nor insurance rate within this State; provided, such agreement was and is lawful in States and counties when intended to be put into effect and actually put into effect and operation.'"

After discussion, and pending action,

On motion of Senator Turney the Senate went into Executive Session to consider the Governor's appointments.

AFTER EXECUTIVE SESSION.

In Executive Session the following confirmations were had:

MEMBER BOARD OF TRUSTEES FOR BLIND ASYLUM.

R. C. Walker of Travis county.

MEMBER OF BOARD OF TRUSTEES FOR DEAF, DUMB AND BLIND ASYLUM FOR COLORED YOUTHS.

J. Bouldin Rector of Travis county.

Senator Turney moved to take a recess until 3 p. m. today.

Senator Ross moved to adjourn until 10 a. m. Tuesday next.

Lost.

The Senate then took a recess until 3 p. m. today.

AFTER RECESS.

The Senate was called to order at 3 o'clock by Lieutenant-Governor Browning.

The Chair laid before the Senate, Senate bill No. 323 (the anti-trust bill), action being on the substitute of Senator Turney to the amendment of Senator Greer.

Pending consideration,

Senator Burns moved that the Senate adjourn until 10 o'clock next Tuesday morning.

Senator Gough moved to adjourn until 10 o'clock next Monday morning.

Question being put on the longest time first, the Senate adjourned until 10 o'clock next Tuesday morning.

SEVENTY-SEVENTH DAY.

Senate Chamber,

Austin Texas, Tuesday, May 2, 1899.

Senate met pursuant to adjournment. President Pro Tem. Stafford in the chair.

Roll called. Quorum present, the fol-

lowing Senators answering to their names:

Atlee.	Miller.
Burns.	Morriss.
Davidson.	Patterson.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Terrell.
Johnson.	Turney.
Kerr.	Wayland.
Linn.	Yantis.
Lloyd.	Yett.

Absent.

Dibrell.	Neal.
Goss.	Odell.
Lewis.	Stone.
McGee.	

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the journal of Thursday.

On motion of Senator Kerr, the same was dispensed with.

HOUSE MESSAGE.

The following message from the House was received:

Hall of the House of Representatives,
Austin, Texas, May 2, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: I am directed by the House to inform the Senate of the passage of the following bills:

Senate bill No. 48, a bill to be entitled "An act to amend Chapter No. 134, Sections Nos. one (1), seven (7), and fifteen (15), of the General Laws of the Twenty-fourth Legislature, of an act to create a more efficient road system for Hill, Coke, Hunt, Jackson, Bee and Victoria counties, Texas, and making county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of deputy road commissioners, and defining the powers and duties of such county commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts upon the public roads of said counties, and providing for officers' fees and rewards for the capture of escaped convicts, and to provide for the manner of training hedges along any public road, and to provide for the summoning of teams for road work, and for an allowance of time of road service for same, and fixing a penalty for a viola-

tion of this act, and repeal laws in conflict with this act."

Also Senate bill No. 333, A bill to be entitled "An Act to authorize The Missouri, Kansas & Texas Railway Company of Texas to acquire, by purchase or lease, the railroad of The Sherman, Shreveport & Southern Railway Company, extending from the city of McKinney, in Collin county, to the city of Jefferson, in Marion county, and any extension thereof from said city of Jefferson to the eastern line of Texas, in the direction of Shreveport, Louisiana, together with the property and franchises pertaining thereto, and to own, operate and maintain the same as a part of its line, with the right to extend the same, and construct branches therefrom, by amendment of its charter, under the general laws of the State of Texas, and investing said companies, and each of them, with the power to make and execute all necessary contracts, agreements and conveyances to effect such sale or lease; also to authorize the said The Sherman, Shreveport & Southern Railway Company, before such sale or lease, or the said The Missouri, Kansas & Texas Railway Company of Texas, after such sale or lease, when the said railway, so to be purchased or leased, has been extended from the city of Jefferson to the eastern line of the State of Texas, in the direction of Shreveport, Louisiana, to connect with any railway extending to said city of Shreveport, and to acquire from the owner or owners of such line of railway in the State of Louisiana, by lease, trackage or running rights agreement, the use of such line to the said city of Shreveport; and further, to authorize the said The Sherman, Shreveport & Southern Railway Company, before such sale or lease, or the said The Missouri, Kansas & Texas Railway Company of Texas, after such sale or lease, to acquire necessary terminal facilities in the said city of Shreveport," with amendments.

Also Senate bill No. 314, A bill to be entitled "An Act to amend Subdivision (2) two, of Article 22, Title IV, of the Revised Civil Statutes of Texas, 1895, so as to extend the time of the terms of the District Court of Nacogdoches county, and change the time of holding district courts in Angelina county and Cherokee county."

Also Senate bill No. 268, A bill to be entitled "An Act to amend Sections two (2), six (6), ten (10), and fourteen (14), of the Special Laws of the Twenty-fifth Legislature, entitled 'An Act to provide a charter for the city of Houston, Harris county, Texas,' and to add to said

act Section 41a, to provide for the extension of the corporate limits, for purposes of improving Buffalo Bayou, and providing that the land embraced in said extension shall not be subject to taxation by said city," with amendment.

Also Senate bill No. 294, A bill to be entitled "An Act to reorganize the Thirty-fourth Judicial District of Texas, to prescribe the time of holding the terms of the district court therein, and to repeal all laws in conflict with this act."

Also House bill No. 784, A bill to be entitled "An Act to provide a more efficient system for working the public roads of Bowie county; regulating the fees of officers, where the convicts serve their time by labor on such public roads; and to repeal all laws in conflict herewith."

Also House bill No. 447, A bill to be entitled "An Act to amend an act of the Twenty-fifth Legislature, approved March 20, 1897, entitled 'An Act to amend Article 867, Chapter 1, Title XXV, of the Revised Civil Statutes, relating to county finances.'"

Also Senate bill No. 337, A bill to be entitled "An Act to consolidate Soule University of Chappell Hill, Washington county, Texas, and Chappell Hill Female College of the same place, under the name of Chappell Hill Female College, and to incorporate Chappell Hill Female College and defining its powers and duties, and declaring an emergency."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

IN SENATE.

The above reported House bills were read first time, and referred as follows:

House bill No. 784, to the Committee on Roads, Bridges and Ferries.

House bill No. 447, to the Committee on Finance.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, April 26, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 266, being a bill to be entitled "An Act for the relief of Mary E. Batchelor, widow of James W. Batchelor,"

And find the same correctly engrossed.
JAMES, Chairman.

Committee Room,

Austin, Texas, April 28, 1899.

Hon. Jas. N. Browning, President of the Senate, and Hon. J. S. Sherrill, Speaker of the House of Representatives.

SIRS: Your Free Conference Committee, to whom was referred the differences between the Senate and the House of Representatives on the matter of amendments to Senate Substitute bill No. 68, beg leave to report as follows:

Committee concurs in all amendments adding counties to the list of exempted counties, except that Shackelford county shall be stricken from such list.

Committee also recommends the adoption of the following as a substitute for the amendment by Mr. Jones (No. 2 on the bill): "Providing further, that nothing in this act shall prohibit any bona fide traveler, while traveling along a public road in an enclosure, from killing game within a distance of four hundred yards on either side of said road."

The committee also recommends the adoption of the following to be added to Mr. Decker's amendment (No. 1 of the bill): "Where such lands are subject to purchase or lease; provided, that proof of ownership or lease may be made by oral testimony."

The committee further recommends that the following substitute be adopted in lieu of Mr. Shannon's amendment (No. 3 on the bill): "Section 3. Nothing in this act shall be construed to repeal the present law relating to enclosures of two thousand acres or less."

The committee further recommends that the Senate recede from its position on all other amendments, and that they be adopted.

Respectfully submitted,

GREER,
ATLEE,
TURNER,
DAVIDSON,
SEBASTIAN,
BAILEY,
WILLACY,
WRIGHT,
JONES,
WALTON.

On the part of the Senate.

On the part of the House.

Committee Room,
Austin, Texas, May 2, 1899.

Hon. R. N. Stafford, President Pro Tem. of the Senate.

SIR: Your Committee on Insurance, Statistics and History, to whom was referred

Substitute House bill No. 497, being a bill to be entitled "An Act to define and

regulate fraternal beneficiary societies, orders or associations; to prescribe the conditions on which such societies organized under the laws of other States, or those doing business in other States, may be permitted to do business in Texas; and to define the duties of the Commissioner of Insurance of this State in relation thereto; providing for the incorporation of such societies; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

Floor report—McGee, Atlee, Davidson and Yantis.

ATLEE, Acting Chairman.

Committee Room,
Austin, Texas, May 2, 1899.

Hon. R. N. Stafford, President Pro Tem. of the Senate.

SIR: Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 342, being a bill to be entitled "An Act to amend Section 40 of and act entitled 'An Act to provide a charter for the city of Houston, Harris county, Texas'; the same being Chapter 7, of the Special Acts of the Regular Session of the Twenty-fifth Legislature, and to repeal all laws and parts of laws in conflict herewith, and to declare an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

Floor report—Miller, Atlee, Hanger, Ross, James, Burns.

MILLER, Chairman.

Committee Room,
Austin, Texas, May 2, 1899.

Hon. R. N. Stafford, President Pro Tem. of the Senate.

SIR: Your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 344, being a bill to be entitled "An Act to authorize the issuance of patents to lands, which, under the ruling of the land office and the decisions of the courts, belong to the public school fund of the State, and which have been applied for and purchased as public domain under the provisions of Title LXXXVII, Chapter 11, of the Revised Civil Statutes of the State of Texas of 1895, prior to May 23, 1898; and to provide for the disposition of the proceeds, and to declare an emergency,"

Have had the same under consideration, and I am instructed to report the

same back to the Senate with the recommendation that it *do pass*.

Floor report—Yantis, James, Gough, Sebastian and Turney.

POTTER, Chairman.

Committee Room,
Austin, Texas, May 2, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 343, being a bill to be entitled "An Act to make it a penal offense for any person to alter, change, destroy or mutilate any public record or documents authorized, required or permitted by law to be kept by any officer within this State, and to fix the punishment therefor,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

Floor report—Yantis, Greer, Grinnan, Miller, Ross and James.

YANTIS, Chairman.

Committee Room,
Austin, Texas, May 2, 1899.

Hon. R. N. Stafford, President Pro Tem. of the Senate.

SIR: Your Committee on State Affairs, to whom was referred

Substitute House bill Nos. 30, 166, 178, 205, 211, 230, 328 and 366, being a bill to be entitled "An Act to amend Articles 4308, 4309, 4310, 4311, 4312, 4314, 4315, 4316, Title XC, Revised Civil Statutes of the State of Texas, relating to public weighers, and providing for appointment and election of public weighers for justice precincts when so desired by the voters of any justice precinct, and to regulate the fees charged by the public weighers, and regulating the bonds of all public weighers, and providing for an election to abolish the office of public weighers in counties when it is not wanted, and to repeal all laws and parts of laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

GOUGH, Chairman.

Committee Room,
Austin, Texas, April 27, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Finance, to whom was referred

Substitute House bill Nos. 160, 501 and 574, being a bill to be entitled "An

Act to carry into effect the amendment to the Constitution of the State of Texas, providing that aid may be granted to disabled and dependent Confederate soldiers, sailors, and their widows, under certain conditions, and to make an appropriation therefor,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, with the following amendment, to-wit:

Amend the bill by striking out all after the enacting clause and substitute in lieu thereof the following:

"Section 1. That hereafter there shall be paid an annual pension of eight dollars per month, the same to be paid quarterly, on the first days of October, January, April and July of each year, to every surviving disabled and indigent Confederate soldier or sailor who is a native of this State, or who came to Texas prior to January 1st, 1880, and who is either over sixty years of age, or whose disability is the approximate result of the actual service in the Confederate army or navy for a period of at least three months; their widows in indigent circumstances, who have never remarried, and who have been bona fide residents of the State of Texas since March 1st, 1880, and who were married to such soldiers or sailors anterior to March 1st, 1866; provided, that said aid shall not exceed eight dollars per month; and provided, further, that in the event the appropriation made by the State Legislature for any one year shall prove insufficient to pay in full said pensions, that thereby shall not be created a deficiency outstanding as a valid claim against the State of Texas, and each pensioner shall only receive his pro rata, according to the amount appropriated for that year.

"Sec. 2. Each applicant for a pension under this law shall make application in writing and under oath for the same to the county judge of the county of his or her residence, and shall post a copy of such application on the court house door of the county for at least thirty days before the application is acted upon by the county judge; such application shall state the name, age and residence of the applicant, and his or her occupation, if able to engage in one, his or her physical condition, as well as the company and regiment in which he enlisted in the Confederate army, or where he served in the Confederate navy, and time of service in each case, whether or not the applicant received any pension or veteran donation land certificate under any

previous law, a list of the real and personal property owned by the applicant, and the present value of the same, and what property and the value thereof that such applicant has sold or conveyed within two years prior to the date of such application; of what income he receives, if any; and shall further state that the applicant is in indigent circumstances and is not able by his or her labor to earn a support; provided, that the word "indigent" within the meaning of this law shall be construed to mean one who is in actual want and destitute of property or means of subsistence; and that the applicant has not transferred to others any property of value of any kind for the purpose of becoming a beneficiary under this law; and still further, that such applicant is and has been continuously since the first day of January, 1880, a bona fide resident citizen of this State, or that he originally enlisted in the Confederate service from the State of Texas, and was at the date of the passage of this act a bona fide resident citizen of the State of Texas, and in addition to the foregoing, each male applicant shall further state the time he rendered such service and the command he served in; he shall furnish the testimony of at least two credible witnesses who personally know that he enlisted in the service and performed the duties of a soldier or sailor as claimed by him, and that he is unable to support himself by labor of any sort; he shall also furnish proof by a reputable physician of his county, showing his precise physical condition and inability to labor at any work or calling sufficient to earn a support for himself, and if he is not sixty years old, when, where and how said disability occurred; said proof to be made before the county judge of the county of the residence of the witnesses. The papers in the case as made by the county judge shall be submitted to the county commissioners of his county at a regular term of their court, and shall be approved by them, and they are hereby authorized to summon and examine witnesses outside of those examined by the county judge as above provided for, if in their judgment any fact materially affecting the applicant's statement are not clearly set out and proven. It shall be the duty of the county judge and of the commissioners court to take down the evidence in writing of all witnesses examined by them, or either of them, which shall be done under the direction of the county judge when taken before him and under the direction of the commissioners when taken before them, which shall be paid for by the

applicant at the rate of five cents per one hundred words, provided that the applicant is authorized to have such evidence taken down by his attorney, or by such other person as he may employ under the contract of employment to secure his pension, and provided that no greater fee than hereinafter provided shall be charged by such attorney or representative of such applicant; and the county judge shall certify to the written statement of the evidence when taken before him, and the commissioners shall certify to the same when taken before them. The application, affidavit and certified statement of the evidence, after the same have been approved by the county judge and by the commissioners court shall be forwarded to the Comptroller of Public Accounts of the State of Texas. It shall be the duty of such Comptroller to appoint a competent person, who shall be an ex-Confederate soldier or sailor, and who shall be designated as pension clerk, and who shall enter upon his duties immediately after such appointment, and the passage of this act, and shall take charge of accounts and matters pertaining to this act, and shall keep a list of the applications for pensions sent to the Comptroller, and conduct all correspondence pertaining to the same, and who shall, with and under the direction of the Comptroller, examine all applications for pensions, carefully and thoroughly, and shall see that such applications are made in strict compliance with the provisions of this act, and such pension clerk, with and under the direction of the Comptroller, shall pass upon the validity of such claims. Each female applicant shall state the name of her deceased husband, the date of her marriage and the date of his death, that she is unmarried, and has so remained since the death of her husband for whose services she claims a pension; and shall further state, as accurately as she can, the time her said deceased husband rendered such service and the command he served in, and any other accessible evidence that may prove or disprove the right of the applicant to claim a pension, and the county judge may require other proof of the statements made in such application, and if in his opinion the applicant has not established his or her legal right to a pension, then he shall refuse said application and file reasons therefor in his office.

"Sec. 3. No widow shall be entitled to a pension should her husband, if living, be debarred by reason of his inability to comply with the requisites pre-

scribed in this act, as to his service in the Confederate army or navy.

"Sec. 4. The Comptroller shall draw his warrant for the amount of such pension, on the Treasurer, and upon presentation the Treasurer shall pay the same out of any money in the treasury which may be appropriated for this purpose.

"Sec. 5. The Comptroller of this State shall cause to be prepared and furnished to the county judges of this State necessary blank applications for the use of applicants for the benefits of this act.

"Sec. 6. The Comptroller is hereby vested with power and authority after the examination with the pension clerk to approve or reject the application of any applicant for a pension, as to him appears advisable, and if approved he shall issue his warrant as provided for in section one of this act.

"Sec. 7. On and after the first of each quarter the pensioner shall make his affidavit, stating the county of his residence and postoffice address, and that he is the identical person to whom a pension has been granted under this law, and that the conditions which existed at the time of making his application and on which the pension was originally granted still exist, which affidavit shall be supported by the affidavit of some other credible person to the same effect, and which affidavit may be made before any one authorized to administer oaths, which affidavit shall be filed with the Comptroller, and upon the filing of the same the Comptroller shall draw his warrant for the quarter found to be due.

"Sec. 8. It shall be the duty of the district judges of this State to specially charge the grand jury at every session to investigate violations of this law.

"Sec. 9. No person shall receive a greater fee than five dollars to procure a pension for another, and any contract for a larger sum shall not be enforced by the courts.

"Sec. 10. A county judge shall be allowed a fee of two dollars for hearing an application and taking proof therein, said fee to be paid by the applicant, and before hearing of application is had thereon, provided, that all fees received by such county judge shall be reported as other fees of office, and be otherwise controlled by the law as it now exists, regulating the fees of county judges.

"Sec. 11. It shall be the duty of the Comptroller, at least once in each year, to forward to the county judges a printed list of the pensioners in their respective counties, which list shall be posted in a conspicuous place in the

office of said judge. It shall also be the duty of the Comptroller, on the application of the grand jury, to forward to the district clerk of the county in which the grand jury is convened, copies of any or all original papers on file in his office connected with an application for a pension, which said grand jury may desire to investigate, and such copies, with their correctness attested by the Comptroller, shall have the same force and value in law that the original papers would have had.

"Sec. 12. No person shall while an inmate of the Texas Confederate Home receive a pension under this act, and any person having been granted a pension under the provisions of this act and afterwards becomes an inmate of said Home, shall while such inmate forfeit his pension, it being intended that no person shall at the same time receive the benefits from both sources; and no person while a resident of any other State or Territory shall draw a pension under this act.

"Sec. 13. That for the year beginning October 1st, 1899, and ending September 30th, 1900, there is appropriated the sum of one hundred thousand dollars for the purposes designated in this bill, and that for the year beginning October 1st, 1900, and ending September 30th, 1901, that there be appropriated the further sum of one hundred and fifty thousand dollars, the said sums to be paid out of any funds belonging to the general revenue in the State Treasury not otherwise appropriated; provided, that on the 1st day of October, 1899, and on the first days of April and October of each succeeding year the Comptroller of Public Accounts shall pro rate the amounts appropriated for each year among the pensioners whose claims to pensions have been established and filed with the Comptroller under the provisions of this act, and the Comptroller shall issue his warrant for the amount due each pensioner. All pensions shall begin on the first day of October and April after the filing and establishment of the applications herein provided for."

DIBRELL, Chairman.

Committee Room,
Austin, Texas, April 28, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 218, being a bill to be entitled "An Act authorizing the board of managers of the Southwest Texas

Lunatic Asylum at San Antonio, Texas, in conjunction with the Governor of the State of Texas, to lease the sulphur water flowing from the artesian wells on the grounds belonging to said asylum,"

And find the same correctly enrolled, and have this day, at 4:30 p. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,
Austin, Texas, April 28, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Substitute Senate bill No. 119, being a bill to be entitled "An Act to amend Article 4368, Chapter 3, Title XCIV, of the Revised Civil Statutes of the State of Texas, prescribing the duties of railway companies, with respect to their general and public offices, and the residence of their officers, to be kept and maintained within this State,"

And find the same correctly enrolled, and have this day, at 4:30 p. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,
Austin, Texas, April 28, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 254, being a bill to be entitled "An Act to amend Section 16, of an act entitled 'An Act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the public free schools and the several asylums, and the lease of such lands and of the public lands of the State, and the patenting of any part of said lands for church, cemetery or school sites, and to prevent the free use, occupancy, unlawful enclosure or unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefor,' passed by the Twenty-fourth Legislature of the State of Texas, being Chapter 47 thereof, and said Section 16, being known as Article 4218q, of the published Revised Statutes of the State of Texas of 1895; and to validate the titles to lands heretofore bought and to which patents have issued,"

And find the same correctly enrolled, and have this day, at 4:30 p. m., pre-

sented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,
Austin, Texas, April 28, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 32, being a bill to be entitled "An Act to amend Article 128, Title IX, Chapter 1, of the Revised Civil Statutes of the State of Texas, relating to the apprehension of lunatics,"

And find the same correctly enrolled, and have this day, at 4:30 p. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,
Austin, Texas, April 28, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 243, being a bill to be entitled "An Act validating the incorporation, for school purposes only, of Victoria independent school district, an independent incorporated public school district heretofore incorporated in Victoria county, including within its limits the municipal corporation of the town or city of Victoria; adding to the same certain territory so as to make the same hereafter co-extensive with the ancient and original town tract of Victoria; validating the acts of the board of trustees thereof; authorizing the board of trustees to levy, assess and collect special taxes; conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same; and further prescribing the duties and authorities of said board,"

And find the same correctly enrolled, and have this day, at 4:30 p. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,
Austin, Texas, April 28, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 215, being a bill to be

entitled "An Act defining the offense of defrauding hotel and boarding house keepers of their charges, and providing a penalty therefor,"

And find the same correctly enrolled, and have this day, at 4:30 p. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,
Austin, Texas, April 28, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 260, being a bill to be entitled "An Act to provide for the establishment, maintenance and government of a State normal school to be located at San Marcos, in Hays county, Texas, and to be known as the Southwest Texas Normal School,"

And find the same correctly enrolled, and have this day, at 4:30 p. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,
Austin, Teas, May 2, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Finance, to whom was referred

House bill No. 447, being a bill to be entitled "An Act to amend an act of the Twenty-fifth Legislature, approved March 20, 1897, entitled 'An Act to amend Article 867, Chapter 1, Title XXV, of the Revised Civil Statutes, relating to county finances,'"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

TURNEY, Acting Chairman.

BILLS AND RESOLUTIONS.

By Senator Patterson (by request):

Senate bill No. 345, A bill to be entitled "An Act to prevent adulteration of and deception in the sale of dairy products, to regulate the sale of milk in towns and cities, and to regulate the sale and use of oleomargarine and other substitutes for, or imitations of butter, and to provide penalties for the violation of such regulations."

Read first time, and referred to the Committee on Public Health.

By Senator Davidson:

Resolved, When the Senate adjourns Wednesday after the morning session

that it stand adjourned until Thursday at ten o'clock in order that the ladies in charge of the Confederate Veterans Reception will have Wednesday evening in which to decorate the hall which by a former resolution has been set aside to their use on Wednesday night next.

Adopted.

Call concluded.

BILLS SIGNED.

The chair gave notice of signing, and did sign in the presence of the Senate, after their captions had been read,

House bill No. 740, "An Act to amend Sections 2 and 5 of an act passed by the Twenty-sixth Legislature of the State of Texas, approved March 6th, 1899, and entitled 'An Act to restore and confer upon the County Court of Bexar county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general laws of the State, and to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act, and declaring an emergency.'"

House bill No. 785, "An Act to require peddlers of clocks, agricultural implements, cooking stoves or ranges, wagons, buggies, carriages, surreys and other similar vehicles, washing machines and churns, and peddlers of all other merchandise of every description, to pay an annual occupation tax."

House bill No. 742, "An Act to diminish the civil and criminal jurisdiction of the County Court of Coke county, and to conform the jurisdiction of the district court of said county to such change."

House bill No. 402, "An Act granting to the city of Austin a block of land within said city for public free school purposes."

House bill No. 342, "An Act to incorporate the city of Dallas, and to grant it a new charter."

House bill No. 746, "An Act to provide a more efficient system for working the public roads of Lamar county, regulating the fees of officers where convicts serve their time by labor on such public roads, and to repeal all laws in conflict herewith."

House bill No. 398, "An Act to amend Sections 17, 27, 98 and 116, of an act incorporating the city of Sherman, known as 'An Act to incorporate the city of Sherman, in Grayson county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs,' passed by the Twenty-fourth Legislature, being Chapter 6, of the Special Acts of the said

Legislature, and to add Sections 96a, 116a, 116b, 116c, 116d, 116e, 179a and 179b thereto."

PENDING BUSINESS.

The chair laid before the Senate, on second reading,

Senate bill No. 323, A bill to be entitled "An Act providing for the punishment of pools, trusts and conspiracies to control prices, and as to evidence and prosecution in such cases," action being on the substitute of Senator Turney for the amendment offered by Senator Greer, they being to-wit:

By Senator Greer:

"Amend by adding to Section 1, the following: 'Provided, that this act shall be construed to apply to all pools, trusts, agreements, combinations, confederations or understandings, whether made in or out of Texas, if it be executed, performed or applied in whole or in part in Texas; but it is not to be construed as to apply to such above contracts, agreements and understandings made elsewhere and to be executed and performed wholly outside of Texas and with respect to commodities and property situated without this State.'"

By Senator Turney:

Substitute the amendment as follows: "Amend by adding to Section 1, the following: 'Provided, the provisions of this act shall not effect any agreement concerning insurance nor insurance rates made beyond the limits of this State, and which are intended to effect and operate upon insurance rates and property outside of this State and which was not made concerning nor for the purpose of affecting, controlling or operating upon any insurance nor insurance rate in this State, nor which could in fact affect nor be construed as affecting nor in anywise operating upon any insurance nor insurance rate within this State; provided, such agreement was and is lawful in States and counties when intended to be put into effect and actually put into effect and operation.'"

Pending action, Senator Turney withdrew his substitute, and offered the following in lieu thereof:

"Amend Section 1, by adding the following: 'Provided, the provisions of this act shall not affect any agreement concerning insurance or insurance rates made beyond the limits of this State, and which are intended to affect and operate upon property outside of this State, and which was not made concerning, nor for the purpose of affecting, controlling nor operating upon insurance or

insurance rates in this State, nor which would in fact affect nor be construed as affecting nor in any wise operating upon any insurance or insurance rate within this State; provided, such agreement was and is lawful in States, territories or counties where entered into or intended to be put into effect or actually put into effect and operation.'"

After discussion, and pending action,

CALLED UP FOR CONCURRENCE.

Senator Gough called up

Senate bill No. 333, A bill to be entitled "An Act to authorize the Missouri, Kansas & Texas Railway Company of Texas to acquire, by purchase or lease, the railroad of the Sherman, Shreveport & Southern Railway Company, extending from the city of McKinney, in Collin county, to the city of Jefferson, in Marion county, and any extension thereof from said city of Jefferson to the eastern line of Texas, in the direction of Shreveport, Louisiana, together with the property and franchises pertaining thereto, and to own, operate and maintain the same as a part of its line, with the right to extend the same, and construct branches therefrom, by amendment of its charter, under the general laws of the State of Texas, and investing said companies, and each of them, with the power to make and execute all necessary contracts, agreements and conveyances to effect such sale or lease; also to authorize the said The Sherman, Shreveport & Southern Railway Company, before such sale or lease, or the said The Missouri, Kansas & Texas Railway Company of Texas, after such sale or lease, when the said railway so to be purchased or leased, has been extended from the city of Jefferson to the eastern line of the State of Texas, in the direction of Shreveport, Louisiana, to connect with any railway extending to said city of Shreveport, and to acquire from the owner or owners of such line of railway in the State of Louisiana, by lease, trackage or running rights agreement, the use of such line to the said city of Shreveport; and further, to authorize the said The Sherman, Shreveport & Southern Railway Company, before such sale or lease, or the said The Missouri, Kansas & Texas Railway Company of Texas, after such sale or lease, to acquire necessary terminal facilities in the said city of Shreveport," which had passed the House with amendments, and moved that the Senate concur in said amendments.

Carried by the following vote:

Yeas—23.

Atlee.	Davidson.
Burns.	Gough.

Greer.	Potter.
Grinnan.	Ross.
Hanger.	Sebastian.
James.	Stafford.
Kerr.	Terrell.
Linn.	Turney.
Lloyd.	Wayland.
Miller.	Yantis.
Morriss.	Yett.
Patterson.	

Absent.

Dibrell.	McGee.
Goss.	Neal.
Johnson.	Odell.
Lewis.	Stone.

(Senator Gough in the chair.)

On motion of Senator Stafford the pending business (Senate bill No. 322) was suspended to take up, on second reading,

Senate bill No. 332, A bill to be entitled "An Act to provide for the organization of corporations for the purpose of the storage and transportation and purchase and sale of oil and gas; to provide the manner and method of organizing such corporations; to prescribe the rights, powers, privileges and duties of such corporations; to authorize such corporations to construct, operate and maintain pipe lines, tanks, buildings, machinery, apparatus and devices as may be necessary; to own, use and occupy lands, easements, buildings and structures; to empower such corporations to condemn lands and other property for the uses and purposes of such corporations, and to provide the methods therefor; issue stocks and bonds, and to borrow money and mortgage its franchises and property."

The bill was read a second time, with committee amendments (for committee amendments, see Journal of April 28).

The committee amendments were adopted, and the bill as amended ordered engrossed.

On motion of Senator Stafford, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—23.

Atlee.	Miller.
Burns.	Morriss.
Davidson.	Patterson.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Turney.
Johnson.	Wayland.
Kerr.	Yantis.
Linn.	Yett.
Lloyd.	

Terrell. Nays—1.

Absent.

Dibrell. Neal.
Goss. Odell.
Lewis. Stone.
McGee.

The bill was read a third time, and passed by the following vote:

Yeas—20.

Atlee. Miller.
Burns. Morriss.
Gough. Patterson.
Greer. Potter.
Grinnan. Ross.
Hanger. Sebastian.
Johnson. Stafford.
Kerr. Turney.
Linn. Wayland.
Lloyd. Yantis.

Nays—3.

Davidson. Yett.
Terrell.

Absent.

Dibrell. McGee.
Goss. Neal.
James. Odell.
Lewis. Stone.

Senator Stafford moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Carried.

On motion of Senator Atlee the pending business (Senate bill No. 323) was suspended to take up, on second reading,

Senate bill No. 291, A bill to be entitled "An Act to provide against a public calamity afflicting the inhabitants of Webb county, Texas, by relieving the inhabitants and property in said county from the payment of taxes, levied for State purposes, for the years 1899 and 1900."

The bill was read a second time.

By Senator Atlee:

"Amend by striking out line 13."

Adopted.

By Senator Atlee:

"Amend by striking out of the caption the words 'and 1900.'"

Adopted.

The bill as amended was ordered engrossed.

On motion of Senator Atlee, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—20.

Atlee. Gough.
Burns. Greer.
Davidson. Grinnan.

Hanger. Ross.
Kerr. Sebastian.
Linn. Stafford.
Lloyd. Terrell.
Miller. Turney.
Morriss. Wayland.
Potter. Yett.

Nays—1.

Yantis.

Absent.

Dibrell. McGee.
Goss. Neal.
James. Odell.
Johnson. Patterson.
Lewis. Stone.

The bill was read a third time, and passed by the following vote:

Yeas—20.

Atlee. Miller.
Burns. Morriss.
Davidson. Potter.
Gough. Ross.
Greer. Sebastian.
Grinnan. Stafford.
Hanger. Terrell.
Kerr. Turney.
Linn. Wayland.
Lloyd. Yett.

Nays—1.

Yantis.

Absent.

Dibrell. McGee.
Goss. Neal.
James. Odell.
Johnson. Patterson.
Lewis. Stone.

INVITATION.

To the Honorable Members of the Senate and House of Representatives of the Texas Legislature.

The Albert Sydney Johnston Chapter of the Daughters of the Confederacy present their compliments to your honorable bodies and extend to you a cordial invitation to attend the reception given by the Daughters of the Confederacy in the Senate Chamber and the Hall of the House of Representatives on the evening of the 3rd of May, at 9 o'clock, accompanied by your respective families.

Committee.

On motion of Senator Davidson, the invitation was accepted.

CALLED UP FOR CONCURRENCE.

Senator Burns called up

Senate bill No. 268, A bill to be entitled "An Act to amend Sections two (2), six (6), ten (10), and fourteen (14), of the Special Laws of the Twenty-fifth Legislature, entitled 'An Act to provide a

charter for the city of Houston, Harris county, Texas,' and to add to said act Section forty-oneA (41A), to provide for the extension of the corporate limits for purposes of improving Buffalo Bayou, and providing that the land embraced in said extension shall not be subject to taxation by said city," which had passed the House with an amendment, and moved that the Senate concur in said amendment.

Concurred.

On motion of Senator Yantis, the Senate adjourned until 3 p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

President Pro Tem. Stafford in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Morriss.
Burns.	Patterson.
Davidson.	Potter.
Greer.	Ross.
Hanger.	Sebastian.
James.	Stafford.
Jolinson.	Terrell.
Kerr.	Turney.
Linn.	Wayland.
Lloyd.	Yantis.
Miller.	Yett.

Absent.

Dibrell.	McGee.
Goss.	Neal.
Gough.	Odell.
Grinnan.	Stone.
Lewis.	

COMMITTEE REPORT.

Committee Room,
Austin, Texas, May 2, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 291, being a bill to be entitled "An Act to provide against a public calamity afflicting the inhabitants of Webb county, Texas, by relieving the inhabitants and property in said county from the payment of taxes, levied for State purposes, for the year 1899,"

And find the same correctly engrossed.

JAMES, Chairman.

PENDING BUSINESS.

The Chair laid before the Senate, on second reading.

Senate bill No. 323 (anti-trust bill),

action being on the substitute of Senator Turney for the amendment offered by Senator Greer (see Journal of morning session).

Senator Greer withdrew his amendment.

Action was then on Senator Turney's amendment, to-wit:

"Amend Section 1, by adding the following: 'Provided the provisions of this act shall not affect any agreement concerning insurance or insurance rates made beyond the limits of this State and which are intended to affect and operate upon property outside of this State and which was not made concerning nor for the purpose of affecting, controlling nor operating upon insurance or insurance rates in this State, nor which would in fact affect nor be construed as affecting nor in anywise operating upon any insurance or insurance rate within this State; provided, such agreement was and is lawful in States, territories or countries where entered into or intended to be put into effect or actually put into effect and operation.'"

The amendment was lost by the following vote:

Yeas—8.

Atlee.	Linn.
Greer.	Patterson.
Hanger.	Ross.
Kerr.	Turney.

Nays—11.

James.	Sebastian.
Johnson.	Terrell.
Lloyd.	Wayland.
Miller.	Yantis.
Morriss.	Yett.
Potter.	

Absent.

Davidson.	McGee.
Dibrell.	Neal.
Goss.	Odell.
Gough.	Stone.

PAIRED.

Senator Burns, present, who would vote *yea*, with Senator Grinnan, absent, who would vote *nay*.

Senator Stafford, present, who would vote *nay*, with Senator Lewis, absent, who would vote *yea*.

(Senator Sebastian in the chair.)

By Senator Linn:

"Amend the bill, line 18, page 1, by inserting before the word 'or' the following: 'Within the State of Texas or without this State with the intent, design or purpose of regulating, affecting or fixing or which in anywise does affect the price of any article of manufacture, mechanism, merchandise, commodity,

convenience, repair, any product of mining, or any article or thing whatsoever.'"

By Senator Atlee:

Substitute for the amendment:

"In Section 1, insert the following: 'within this State,' after word 'fix,' in line 15; after word 'property,' in line 18; after word 'limit,' in line 22; and after word 'property,' in line 25."

Lost by the following vote:

Yeas—9.

Atlee.	Linn.
Gough.	Patterson.
Greer.	Ross.
Hanger.	Turney.
Kerr.	

Nays—12.

Davidson.	Potter.
James.	Sebastian.
Johnson.	Terrell.
Lloyd.	Wayland.
Miller.	Yantis.
Morriss.	Yett.

Absent.

Dibrell.	Neal.
Goss.	Odell.
Lewis.	Stone.
McGee.	

PAIRED.

Senator Burns, present, who would vote *yea*, with Senator Grinnan, absent, who would vote *nay*.

Senator Stafford, present, who would vote *nay*, with Senator Lewis, absent, who would vote *yea*.

The amendment (Linn's) was then lost by the following vote:

Yeas—5.

Greer.	Patterson.
Kerr.	Ross.
Linn.	

Nays—15.

Atlee.	Potter.
Davidson.	Sebastian.
Gough.	Terrell.
James.	Turney.
Johnson.	Wayland.
Lloyd.	Yantis.
Miller.	Yett.
Morriss.	

Present—Not voting.

Hanger.

Absent.

Dibrell.	McGee.
Goss.	Neal.
Grinnan.	Odell.
Lewis.	Stone.

PAIRED.

Senator Burns, present, who would vote *yea*, with Senator Grinnan, absent, who would vote *nay*.

Senator Stafford, present, who would vote *nay*, with Senator Lewis, absent, who would vote *yea*.

By Senator Davidson:

"Amend Section 4, line 25, by adding after the word 'thereof' the following: 'Shall be *prima facie* proof that such incorporated company is transacting business in the State of Texas, and has violated the provisions of this act every day after the expiration of thirty days from the mailing of said letter of inquiry.'"

By Senator Burns:

Substitute for the amendment the following:

"Strike out '30 days,' and insert '60 days.' Amend further by striking out '30 days,' in line 25, page 4, and inserting in lieu thereof '60 days.'"

Lost by the following vote:

Yeas—10.

Burns.	Patterson.
Greer.	Ross.
Hanger.	Turney.
Kerr.	Wayland.
Linn.	Yett.

Nays—11.

Davidson.	Morriss.
Gough.	Potter.
James.	Sebastian.
Johnson.	Terrell.
Lloyd.	Yantis.
Miller.	

Absent.

Atlee.	McGee.
Dibrell.	Neal.
Goss.	Odell.
Grinnan.	Stone.
Lewis.	

PAIRED.

Senator Stafford, present, who would vote *nay*, with Senator Lewis, absent, who would vote *yea*.

The amendment (Davidson's) was then adopted.

Pending further action,

Senator Johnson moved to adjourn until 10 a. m. tomorrow.

Senator Potter moved to adjourn until 8 p. m. today.

The Senate adjourned until 10 a. m. tomorrow by the following vote:

Yeas—10.

Burns.	Kerr.
Greer.	Ross.
Hanger.	Turney.
James.	Wayland.
Johnson.	Yett.

Nays—9.

Davidson.	Potter.
Gough.	Sebastian.
Lloyd.	Terrell.
Miller.	Yantis.
Morriss.	

Absent.

Atlee.	McGee.
Dibrell.	Neal.
Goss.	Odell.
Grinnan.	Patterson.
Lewis.	Stafford.
Linn.	Stone.

SEVENTY-EIGHTH DAY.

Senate Chamber,
Austin, Texas, Wednesday, May 3, 1899.

Senate met pursuant to adjournment.

President Pro Tem. Stafford in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Neal.
Burns.	Odell.
Davidson.	Patterson.
Dibrell.	Potter.
Gough.	Ross.
Greer.	Sebastian.
Hanger.	Stafford.
James.	Terrell.
Johnson.	Turney.
Kerr.	Wayland.
Lloyd.	Yantis.
Miller.	Yett.
Morriss.	

Absent.

Goss.	Linn.
Grinnan.	McGee.
Lewis.	Stone.

Prayer by Rev. Dr. Smoot.

Pending the reading of the Journal of yesterday,

On motion of Senator Neal, the same was dispensed with.

EXCUSED.

On motion of Senator Miller, Senator McGee was excused for non-attendance on yesterday and indefinitely on account of sickness.

On motion of Senator Miller, Senator Dibrell was excused for non-attendance on yesterday on account of important business.

On motion of Senator Neal, Assistant Journal Clerk T. H. Napier, was excused from Monday of this week until Thursday, inclusive, on account of sickness.

On motion of Senator Potter, Senator Terrell was excused for non-attendance

on Friday last on account of important business.

On motion of Senator Yantis, Senator Yett was excused for non-attendance on Thursday and Friday of last week on account of sickness.

On motion of Senator Greer, Senator Yantis was excused for non-attendance last week on account of important business.

On motion of Senator Odell, Senator Neal was excused for non-attendance on yesterday on account of important business.

On motion Senator Patterson was excused for non-attendance last week on account of important business.

On motion of Senator Neal, Senator Odell was excused for non-attendance on yesterday on account of important business.

On motion of Senator Patterson, Senator Stone was excused for non-attendance on yesterday and today on account of important business.

On motion of Senator Potter, Senator Grinnan was excused for today and tomorrow on account of important business.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, May 3, 1899.

Hon. R. N. Stafford, President Pro Tem. of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 336, being a bill to be entitled "An Act to prohibit pawn-brokers, junk shop dealers, second-hand dealers and all other persons who buy, sell or otherwise deal in personal property for profit, from buying or receiving the same from children or disposing of any such personal property brought or sold to them by children, except when such children produce a written permit from their parents or guardian giving authority to such children to have, possess or dispose of such personal property,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

Floor report (May 3, 1899)—Yantis, Miller, James, Odell, Neal, Davidson.

YANTIS, Chairman.

Committee Room,
Austin, Texas, April 25, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Finance, to whom was referred